

### Introductory Remarks Regarding The Claims

Claims 1-42 are currently pending in the application and stand rejected.

### Rejection Under 35 U.S.C. §102

Claims 1-42 stand rejected under 35 U.S.C. §102(b) as being anticipated by Weiss, as set forth in paragraphs 7-9 of the Office Action. In view of the claims as presently amended, applicants respectfully traverse this rejection.

Applicants respectfully note that anticipation focuses on whether a claim reads on the product or process that a prior art reference discloses, not on what the reference broadly “teaches.” Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). As the Examiner is aware, each and every element of a claim must be shown in the “four corners” of the reference. “To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter.” PPG Industries v. Guardian Industries, 75 F.3d 1558, 37 U.S.P.Q.2d 1618 (Fed. Cir. 1996).

Weiss does not disclose a search process where a second search query refines the first query by activating one of the displayed categories and displayed keywords. This element is now recited in independent claims 1, 15, 28, and 31 as amended. Such an element is completely missing in the Weiss reference. Since at least one significant element of applicants’ claimed invention is missing from the search process disclosed in Weiss, Weiss cannot anticipate applicants’ claimed invention. Accordingly, applicants assert that independent claims 1, 15, 28, and 31 are allowable over Weiss, and that claims depending from such independent claims, respectively, are allowable as depending from allowable base claims.

In Weiss, keywords that are used to refine queries are always single-word terms, such as

"text:file", "text:semantic," and the like, rather than compound terms (Weiss p. 187 and Figs. 6-7). Additionally, cluster hierarchies, of which there may be several, are only used to *browse* information, but are not used to refine queries. In Weiss, a query refinement is based on the use of query refinement abstract functions. This is described in Weiss as follows:

This [query refinement] abstraction function summarizes the content router's cluster as a set of sub-clusters. . . . The information stored for each sub-cluster is the set of most heavily weighted terms from documents in that sub-cluster (p. 185, second full paragraph).

Weiss further discloses that the search method "uses term information about sub-clusters to dynamically compute recall- and precision- enhancing terms related to a user query." (Weiss, p. 6, third full paragraph, right-hand side). These terms are then suggested to the user to refine the query, as shown in the middle portion of figure 6. Refining a query is thus only possible by using a full-text query, and not by using the hierarchical clustering of documents, as is the case in applicants' process. In Weiss, it is not possible to refine a query by selecting a cluster. It is only possible by selecting suggested terms. Therefore, it is impossible in Weiss to mix the two approaches of refining by keyword and refining by category.

The only use of hierarchy of clusters to help the user navigate is by way of browsing the clusters and sub-clusters, and their content resulting from the dynamic clustering of the result set.

Weiss describes this on page 187, first full paragraph, as follows:

As shown in figure 6, users can browse through the information space by examining clusters, content labels, and cluster summaries. To see the content of a cluster, i.e., its child documents and clusters, a user clicks on the cluster's name. To see a cluster's content label, the user clicks on the text content label next to the cluster. To see the cluster's summary, the user clicks on the text summary next to the cluster.

The fact that a cluster cannot be used by a machine to refine the query is clearly indicated by

the fact that the description of a cluster is human-oriented, not machine oriented. The abstraction function for *browsing* content labels computes a summary of the information space suitable for human comprehension. This includes extracting information from the query routing summary, such as the number of documents, total size in bytes, a small set of the most heavily weighted terms, and links to a sample of documents in the cluster, and the like.

One could imagine that using the query (most heavily weighted terms) of the refinement abstract functions of a cluster could be a way of refining the query for that cluster. However, this only selects a portion of that cluster, since it is an *abstraction*, not an exact description of the cluster. This is supported in Weiss on page 184, first partial paragraph on the right-hand side, which states that "The result of performing the operation on a content label approximates the result of performing the operation on the entire information space described by the content label."

In sharp contrast, in applicants' claimed process, it is assumed that documents are mapped to categories and that these categories are indexed, thus allowing for an exact refinement on this category. This is very different than use of some addition full-text query terms to approximately describe the category's content, as is done in Weiss. While the Weiss process may be related to the "keyword-only" concept of applicants' invention, it does not make use of the "category" concept, since dynamically computed clusters (as opposed to statically mapped categories) are not used for refining, but rather, are only used for browsing.

Accordingly, applicants submit that Weiss does not anticipate applicants' claimed invention.

#### Closing Remarks

The art made of record by the Examiner but not relied upon as a basis of rejection, does not, whether taken alone or in combination with Weiss, anticipate or render obvious any of applicants'

claims as now amended in the application.

For the foregoing reasons, applicants submit that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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